

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Shohei Koide	)	Examiner:
		)	S.H. Shafer, Ph.D.
Serial No.	: 10/006,760	)	
		)	Art Unit:
Cnfrm. No.	: 2042	)	1647
		)	
Filing Date	: November 19, 2001	)	
		)	
For	: METHOD OF IDENTIFYING POLYPEPTIDE	)	
	MONOBODIES WHICH BIND TO TARGET	)	
	PROTEINS AND USE THEREOF	)	
		)	

REQUEST UNDER 37 C.F.R. § 1.8

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants state that the accompanying references cited on the enclosed PTO-1449 form were submitted to the United States Patent and Trademark Office ("PTO") before the first office action on the merits. Therefore, in accordance with 37 C.F.R. § 1.98(b)(1), no fees are due for consideration of these references.

Pursuant to 37 C.F.R. § 1.8(b)(1), the PTO is hereby informed of the previous mailing of an Information Disclosure Statement submitted December 18, 2001 ("the IDS"), which appears to have been lost at the PTO.

The IDS was originally filed, along with a PTO-1449 form and copies of the cited references, on December 18, 2001. However, as of the office action mailed June 20, 2006, the PTO had not yet returned a signed copy of the PTO-1449 form. Therefore, in the Amendment filed December 20, 2006, applicants requested that the PTO return an initialed copy of the PTO-1449 form with the next communication from the PTO. In response, the PTO notified applicants in the office action mailed April 10, 2007, that the IDS, the PTO-1449 form, and the references are apparently "lost." Accordingly, pursuant to 37 C.F.R. § 1.8, applicants hereby re-submit the IDS, PTO-1449 form, and cited references, and request that this submission be accorded the original mailing date of December 18, 2001, for the reasons noted below.

37 C.F.R. § 1.8(a) provides that correspondence filed with the PTO will be considered timely filed if the correspondence is: addressed as set forth in 37 C.F.R. § 1.1 and deposited with the U.S. Postal service with sufficient postage as first class mail (§ 1.8(a)(i)(A)), and includes a certificate of mailing stating the date of deposit (§ 1.8(a)(ii)).


The enclosed IDS included a Certificate of Mailing, signed by Wendy L. Harrold, certifying that the submission was deposited with the U.S. Postal Service on December 18, 2001, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231. Further, as evidenced by the enclosed date-stamped return postcard, the IDS was submitted along with the PTO-1449 form and the 16 cited references. The date-stamped return postcard also indicates that this submission was received by the PTO on January 3, 2001. Accordingly, it is submitted that the requirements of 37 C.F.R. § 1.8(a) are met.

Pursuant to 37 C.F.R. §1.8(b)(2), an additional copy each of the IDS, PTO-1449 form, and Reference Cite Nos. 2-16 are enclosed. (Reference Cite No. 1 is not enclosed, because this reference has already been considered by the PTO.) Pursuant to 37 C.F.R. § 1.8(b)(3), it is stated that the previous mailing was timely, as evidenced by the Certificate of Mailing and the date-stamped return postcard.

Consideration of Reference Cite Nos. 2-16 is respectfully requested. For the reasons noted above, the enclosed IDS, PTO-1449 form, and accompanying references should be accorded the original mailing date of December 18, 2001 (and entry date of January 3, 2001). Accordingly, it is respectfully submitted that the \$180.00 IDS fee is not required. Should the PTO determine that the fee is necessary, however, the Commissioner is hereby authorized to charge the \$180.00 IDS fee, and any additional fees, to Deposit Account No. 14-1138.

Respectfully submitted,

Dated: December 4, 2007

  
\_\_\_\_\_  
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UTILITY/DESIGN PATENT  
(amend/final amend) Date: 12/18/01  
Date of O.A.: \_\_\_\_\_  
Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon  
via Certificate of Mail:  
Case # 176/60901 S/N: 10/006,760 Filed: 11/19/01  
Pat. # \_\_\_\_\_ Issued: \_\_\_\_\_  
Examiner: Unknown Art Unit: Unknown  
Batch: \_\_\_\_\_ Atty: \_\_\_\_\_  
Applicant: Spokee Korda  
Title: Methyl of Lanthanum Polypeptide  
Re-Exam Control # \_\_\_\_\_  
VERIFIED BY: Asst: WJH Quality Control: \_\_\_\_\_  
☒ Transmittal Sheet in duplicate  
☐ \_\_\_\_\_ Mo. Ext. Time in dupe.  
☐ Request for Drawing Changes  
☐ \_\_\_\_\_ pgs. \_\_\_\_\_ Drawings  
☐ \$ \_\_\_\_\_ Check for Amend.  
☐ Issue Per Trans. in duplicate  
☒ Information Disclosure Statement  
☐ \_\_\_\_\_  
☐ Amendment in \_\_\_\_\_  
☐ Change of Address  
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☐ Information Disclosure Statement O-1449 in duplicate with \_\_\_\_\_ Reference(s)  
☐ \_\_\_\_\_

RECEIVED

JAN 15 2002

Nixon Peabody LLP

APR 25 2002

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JB